

WESTERN DIVISION
No. 5:12-CR-339-D
No. 5:15-CV-358-D

Respondent.

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there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the findings and conclusions in the M&R [D.E. 145]. Branch’s motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 [D.E. 121] is DISMISSED. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000). The clerk shall close the case.

SO ORDERED. This 14 day of March 2017.



JAMES C. DEVER III
Chief United States District Judge